

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

WILLIAM DEAUNTAE SHEHEE,) Case No. CV 22-5293-SPG (JPR)
))
 Petitioner,))
))
 v.) ORDER SUMMARILY DISMISSING
) PETITION FOR WRIT OF HABEAS
) CORPUS BY PERSON IN STATE CUSTODY
 HEATHER SHIRLEY, Warden,)
))
 Respondent.)
)

On July 27, 2022, Petitioner, a state prisoner, filed a Petition for Writ of Habeas Corpus, raising a single claim: he deserves resentencing consideration under recent California Senate Bill 81. (Pet. at 5.) But in an earlier habeas action in which Petitioner attempted to raise the same claim, the Court already ruled that “Senate Bill 81 does not apply retroactively” to convictions before its effective date of January 1, 2022, such as Petitioner’s. Shehee v. Shirley, No. 2:20-cv-04945-SPG-JPR, 2022 WL 17968754, at *2 (C.D. Cal. Dec. 21, 2022). The Court also found that any claim concerning Senate Bill 81’s application to Petitioner was not cognizable on federal habeas review because it would concern state law only. See *id.*

1 Because it plainly appears that Petitioner is not entitled
2 to relief, the Petition is SUMMARILY DISMISSED.¹

3 IT IS SO ORDERED.

4 DATED: April 12, 2023



SHERILYN P. GARNETT
U.S. DISTRICT JUDGE

7 Presented by:²



Jean P. Rosenbluth
U.S. Magistrate Judge

24 ¹ The Petition is likely impermissibly successive as well, see
25 28 U.S.C. § 2244(a) & (b), but the Court does not reach that issue.

26 ² Under Local Rule 72-3.2, "if it plainly appears from the
27 face of the petition and any exhibits annexed to it that the
28 petitioner is not entitled to relief, the Magistrate Judge may
prepare a proposed order for summary dismissal and submit it and a
proposed judgment to the District Judge."